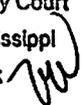


UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF MISSISSIPPI

STANDING ORDER ADOPTING PROCEDURES FOR
OBTAINING DISCHARGE IN COMPLETED CHAPTER 13 CASES

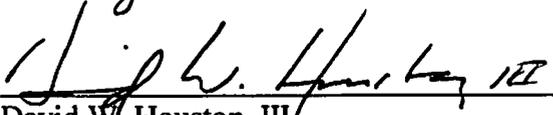
The Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 (“BAPCPA”) requires certain disclosures and certifications to be made by the debtor before a discharge may be entered. This Amended Standing Order establishes the standards and procedure whereby the debtor may comply with the disclosure requirements and obtain a discharge in chapter 13 cases. The requirements of this Standing Order must be met in order to receive a discharge, including a hardship discharge pursuant to 11 U.S.C. §1328(b), from and after January 1, 2009. This Standing Order does not apply to cases commenced prior to October 17, 2005, nor does it apply in those cases where a discharge has been waived or denied.

1. Unless the debtor is not entitled to a discharge, the filing of the *Notice of Completion of Plan Payments* by the Chapter 13 Trustee will constitute notice that each debtor must file a *Debtor’s Certification and Motion for Entry of Chapter 13 Discharge Pursuant to 11 U.S.C. §1328(a) and (h)*, hereinafter referred to as the “Motion” (form attached hereto). The Motion must be signed by the debtor(s), filed with the court, and a copy served by the debtor(s) on all creditors and parties in interest included on the court’s mailing matrix within 30 days of the filing date of the Chapter 13 Trustee’s *Notice of Completion of Plan Payments*.
2. The Motion will include verifications by the debtor regarding satisfaction of plan requirements, entitlement to a discharge, and the status of Domestic Support Obligations. The Motion will also verify that the debtor is not disqualified by the provisions of 11 U.S.C. §1328(h) from receiving a discharge.
3. If a response or objection to the Motion is not filed within twenty-one days of the date of service as reflected on the Certificate of Service, and provided the debtor is otherwise entitled, the court will enter a discharge order. Entry of the discharge order constitutes a finding that 11 U.S.C. §1328(h) has been satisfied and that there is no reasonable cause to believe that the entry of discharge should be delayed. If a response or objection is filed to the Motion, the matter will be set for hearing.
4. If the Motion is not timely filed by the debtor(s), the case may be closed without the entry of discharge.
5. If the debtor(s) is/are unable to certify as to the truth and correctness of the assertions on the form Motion but believe(s) that a discharge is warranted nevertheless, debtor(s) should draft and file a Motion for Discharge explaining why the assertions in the form Motion can not be certified and further explaining why a discharge should be granted.

Entered 2-1-10 at 8:00 A.M.
United States Bankruptcy Court
Northern District of Mississippi
David J. Puddistor, Clerk 

6. This order supercedes and replaces the Amended Standing Order Adopting Procedures for Obtaining Discharge in Completed Chapter 13 Cases entered on February 4, 2009 and the Second Amended Standing Order Adopting Procedures for Obtaining Discharge in Completed Chapter 13 cases entered on September 14, 2009.

SO ORDERED, this the 1st day of February, 2010.



David W. Houston, III
Chief United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF MISSISSIPPI

IN: RE

CASE NO.
Chapter 13

**DEBTOR'S CERTIFICATION AND
MOTION FOR ENTRY OF CHAPTER 13 DISCHARGE**

THIS MOTION SEEKS AN ORDER DISCHARGING THE DEBTOR(S) PURSUANT TO §1328(a) OF THE BANKRUPTCY CODE. IF YOU OPPOSE THIS MOTION , YOU MUST FILE A RESPONSE WITH THE COURT WITHIN 21 DAYS FROM THE DATE LISTED BELOW IN THE CERTIFICATE OF SERVICE. YOUR RESPONSE MUST SET FORTH THE SPECIFIC FACTUAL ALLEGATION WITH WHICH YOU DISAGREE AND A COPY OF YOUR RESPONSE MUST BE SERVED ON THE DEBTOR(S) AND DEBTOR'S(S') ATTORNEY. IF NO TIMELY RESPONSE IS FILED, THE COURT MAY GRANT THIS MOTION WITHOUT HOLDING A HEARING. A TIMELY RESPONSE IS NECESSARY FOR A HEARING TO BE HELD.

1. By signing below, the Debtor(s) certify under penalty of perjury that the following statements are true and correct:

A. I/we have completed a personal financial management instructional course provided through an agency approved by the United States Trustee and have filed a statement, prepared as prescribed by Official Form 23, regarding completion of said course. (In a joint case, both husband and wife must each complete the course and file an Official Form 23).
11 U.S.C. §1328(g)

B. All pre-petition amounts owed by me on a domestic support obligation, if any, have been paid to the extent provided by the plan. All post-petition amounts owed by me on a domestic support obligation, if any, have been paid. ("Domestic support obligation" is defined at 11 U.S.C. §101(14A)).
11 U.S.C. §1328(a)

C. I/we have not received a discharge under chapter 7, 11 or 12 of the Bankruptcy Code in a prior case filed during the four-year period preceding the date that the petition was filed in this case.
11 U.S.C. §1328(f)(1)

D. I/we have not received a discharge under chapter 13 of the Bankruptcy Code in a prior case filed during the two-year period before the date that the petition was filed in this case.
11 U.S.C. §1328(f)(2)

E. I/we have not been convicted of a felony, the circumstances of which would demonstrate that the filing of this bankruptcy case constituted an abuse of the provisions of the Bankruptcy Code.
11 U.S.C. §1328(h)(1) and §522(q)(1)(A)

F. If I/we owe a debt arising from: (i) any violation of any State or Federal securities laws, regulations or orders, (ii) fraud, deceit or manipulation in a fiduciary capacity or in connection with the purchase or sale of any security, (iii) a civil remedy under §1964 of Title 18 of the United States Code, or (iv) that caused serious injury or death to another individual in the preceding five years, then I/we have not claimed an exemption for my/our residence in an amount in excess of the statutory cap as prohibited by §522(q)(1) of the Bankruptcy Code. **11 U.S.C. §1328(h)(1) and §522(q)(1)(B)**

G. No proceeding is pending in which I/we may be found guilty of a felony of the kind described in §522(q)(1)(A) or in which I/we may be found liable for a debt of the kind described in §522 (q)(1)(B). **11 U.S.C. §1328(h)(2)**

H. I/we have made all payments required by my confirmed Chapter 13 plan or have, by separate motion, moved for the entry of a hardship discharge pursuant to 11 U.S.C. §1328(b).

2. Debtor(s) hereby move the Court for the entry of a discharge order in this case.

Signed: _____	_____
Debtor's Signature	Date
_____	_____
Spouse's Signature (in Joint Cases only)	Date
_____	_____
Attorney for the Debtor(s)	Date
State Bar No.	
Address	
Telephone Number	

3. Mailing address for filing responses: David J. Puddister, Clerk
U.S. Bankruptcy Court
703 Highway 145 North
Aberdeen, MS 39730

CERTIFICATE OF SERVICE

On _____, a copy of this pleading was served on each of the persons listed on the attached service list either by prepaid United States mail or via electronic service through the Court's CM/ECF system at the mailing addresses and/or email addresses indicated.

Signature